

Teresa M. Corbin (SBN 132360)  
 Thomas Mavrakakis (SBN 177927)  
 HOWREY SIMON ARNOLD & WHITE, LLP  
 301 Ravenswood Avenue  
 Menlo Park, California 94025  
 Telephone: (650) 463-8100  
 Facsimile: (650) 463-8400

Attorneys for Plaintiff SYNOPSIS, INC.  
 and for Defendants AEROFLEX INCORPORATED,  
 AMI SEMICONDUCTOR, INC., MATROX  
 ELECTRONIC SYSTEMS, LTD., MATROX  
 GRAPHICS, INC., MATROX INTERNATIONAL  
 CORP. and MATROX TECH, INC.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

Plaintiff,

vs.

AEROFLEX INCORPORATED, et al.,

Defendants.

Case No. C03-04669 MJJ (EMC)

Case No. C03-2289 MJJ (EMC)

**PLAINTIFF SYNOPSIS, INC.'S AND  
 DEFENDANTS' NOTICE OF MOTION  
 AND MOTION TO SHORTEN TIME FOR  
 HEARING ON MOTION REQUESTING  
 EQUAL PRESENTATION TIME AT  
 TUTORIAL**

SYNOPSIS, INC.,

Plaintiff,

vs.

RICOH COMPANY, LTD., a Japanese  
 corporation

Defendant.

Date: To Be Determined  
 Time: To Be Determined  
 Courtroom: 11  
 Judge: Martin J. Jenkins

**NOTICE OF MOTION AND MOTION TO SHORTEN TIME**

Plaintiff Synopsys, Inc. and Defendants Aeroflex Incorporated, AMI Semiconductor, Inc., Matrox Electronic Systems Ltd., Matrox Graphics Inc., Matrox International Corp., and Matrox Tech, Inc. (collectively "Synopsys and Defendants") seek an Order from this Court under Local Rule 6-3(a) to shorten the time for the hearing on their Motion Requesting Equal Presentation Time At Tutorial filed October 5, 2004.

In the underlying Motion Requesting Equal Presentation Time At Tutorial, Synopsys and Defendants seek to be allowed equal time to present a tutorial.

There has been only one previous time modification in this action while pending in the Northern District of California. *See* Declaration of Thomas C. Mavrakakis In Support of Motion to Shorten Time ("Mavrakakis Decl.") ¶ 2. Moreover, given that this motion will not affect the timing of the October 20, 2004 neutral expert tutorial, the request to shorten time on Synopsys and Defendants' Motion Requesting Equal Presentation Time At Tutorial will not have any effect on this action's schedule. *See* Mavrakakis Decl. ¶ 3.

**RELIEF REQUESTED**

Specifically, Synopsys and Defendants seek an Order from the Court: 1) setting the hearing date for their Motion Requesting Equal Presentation Time At Tutorial to October 13, 2004; 2) that Ricoh file and serve its opposition brief to that motion on October 8, 2004; and, 3) that Synopsys and Defendants waive their right to a reply brief.

**MEMORANDUM OF POINTS AND AUTHORITIES****I. STATEMENT OF ISSUES TO BE DECIDED**

*Whether the Court should conserve its resources and the resources of the parties by hearing the Motion Requesting Equal Presentation Time At Tutorial on a shortened schedule?*

1 **II. ARGUMENT**

2 **A Shortened Briefing Schedule And October 13, 2004 Hearing Date Is Warranted**

3 Since the Court's July 22, 2004 order regarding the neutral expert tutorial, Synopsys and  
4 Defendants have diligently tried to work with Ricoh to identify a process for preparing and presenting  
5 a truly neutral expert tutorial that would simply show the Court how the invention in the patent-in-suit  
6 works, as the Court requested. After initially refusing to meet and confer, Ricoh indicated that it  
7 intended to use its own expert for the preparation and presentation of the tutorial, and that it would  
8 unilaterally determine the final content of the presentation.  
9

10 Despite the Court's clear intention for the neutral expert tutorial to provide a fair and unbiased  
11 presentation of the invention at issue, Ricoh intends to present expert testimony in the guise of a  
12 neutral expert tutorial that is actually skewed toward its claim construction positions. Allowing Ricoh  
13 to present its one-sided tutorial will certainly prejudice Synopsys and Defendants. At this late date,  
14 two weeks before the tutorial, it is obvious that the parties will not be able to present a single neutral  
15 expert tutorial by a truly neutral expert and with content agreed upon by all the parties.  
16

17 Synopsys and Defendants have attempted to meet and confer with Ricoh on this issue for two  
18 months, exchanging more than two-dozen letters, and conducting several phone calls. *See* Mavrakakis  
19 Decl. ¶ 4; Motion Requesting Equal Presentation Time At Tutorial and supporting exhibits. The  
20 parties have been unable to reach an agreement that will lead to a neutral expert tutorial. Therefore, it  
21 is essential that the Court resolve this issue prior to the October 20, 2004 tutorial so that the proceeding  
22 is fair and unbiased.  
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1 **III. CONCLUSION**

2 For the foregoing reasons, the Court should hear Synopsys' and Defendants' Motion  
3 Requesting Equal Presentation Time At Tutorial on shortened time.

4 Respectfully submitted,

5  
6 Date: October 5, 2004

/s/ Thomas C. Mavrakakis

7 Thomas C. Mavrakakis

8 HOWREY SIMON ARNOLD & WHITE LLP

9 Attorneys for Plaintiffs SYNOPSYS, INC. and for  
10 Defendants AEROFLEX INC., et al.  
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